

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4567, Homeland Security Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S9155–S9240

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 2797–2804, and S. Res. 424–425. **Pages S9220–21**

Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals—2005.” (S. Rept. No. 108–338)

S. 2639, to reauthorize the Congressional Award Act. (S. Rept. No. 108–339)

S. 2803, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005. (S. Rept. No. 108–340)

S. 2804, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005. (S. Rept. No. 108–341) **Page S9220**

Measures Passed:

Homeland Security Appropriations: By a unanimous vote of 93 yeas (Vote No. 184), Senate passed H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, after taking action on the following amendments proposed thereto:

Pages S9167–S9213

Adopted:

Ensign Amendment No. 3598, to increase the amount appropriated for baggage screening activities. **Page S9183**

Dodd/Specter Amendment No. 3630, to increase the amount provided for fire department staffing assistance grants, and to provide offsets. **Pages S9167–71, S9183–84**

Bingaman/Domenici Amendment No. 3639, to provide for continued support by the New Mexico National Guard for the performance of the vehicle and cargo inspection activities of the Department of Homeland Security. **Page S9184**

Boxer/Carper Amendment No. 3641, to provide for intercity passenger and freight security grants. **Pages S9187–88**

Cochran (for Allard/Akaka) Amendment No. 3589, to provide for a report on common geospatial awareness of critical infrastructure. **Page S9194**

Subsequently, the amendment was modified. **Page S9209**

Cochran (for Mikulski) Amendment No. 3611, to ensure the fiscal year 2004 overtime cap applies to certain Customs Service employees. **Page S9194**

Cochran (for Boxer) Amendment No. 3634, to require reports on the Federal Air Marshals program. **Page S9194**

Cochran (for Landrieu) Amendment No. 3603, to require a GAO report on employment discrimination complaints relating to employment in airport screener positions in the Transportation Security Administration. **Page S9194**

Cochran (for Boxer) Amendment No. 3640, to protect the security of the Federal Air Marshals. **Page S9195**

Cochran (for Boxer/Schumer) Amendment No. 3642, to require a report on protecting commercial aircraft from the threat of man-portable air defense systems. **Page S9195**

Cochran (for Reed) Amendment No. 3633, to require a report on processes for issuing required permits for proposed liquefied gas marine terminals. **Page S9194**

Cochran (for Leahy/Hatch) Amendment No. 3638, to retain the uniqueness of the United States Secret Service within the Department of Homeland Security. **Pages S9195–96**

Cochran (for Feingold/Leahy) Amendment No. 3635, to provide a data-mining report to Congress. **Pages S9194–95**

Cochran (for Dole) Amendment No. 3645, to provide that funds appropriated to the Bureau of Customs and Border Protection be used to enforce the provisions relating to textile transshipments provided for in the Customs Border Security Act of 2002. **Page S9195**

Baucus Amendment No. 3636, to provide emergency disaster assistance to agricultural producers in Florida and other States due to losses from hurricanes, droughts, freezes, floods, and other natural disasters. **Pages S9184–87, S9200–01**

Clinton/Schumer Amendment No. 3651, to require the Federal Emergency Management Agency to allocate at least \$4,450,000 of any funds previously made available in response to the September 11, 2001 attacks in New York City for continued mental health counseling services for emergency services personnel requiring additional assistance as a result of the September 11, 2001 terrorist attacks.

Page S9201

Nelson (FL) Amendment No. 3607, to provide funds for the American Red Cross.

Page S9208

Cochran (for Collins/Pryor) Amendment No. 3614, to set aside \$50,000,000 from the amount appropriated for law enforcement terrorism prevention grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies.

Page S9208

Cochran (for Stabenow) Amendment No. 3647, to allow State Homeland Security Program grant funds to be used to pay costs associated with the attendance of part-time and volunteer first responders at terrorism response courses approved by the Office for State and Local Government Coordination and Preparedness.

Page S9209

Cochran (for Shelby) Amendment No. 3648, to require the President's fiscal year 2006 budget to include an amount sufficient for funding a certain level of maritime patrol capability.

Page S9209

Cochran (for Roberts) Amendment No. 3643, to express the sense of the Senate concerning the American Red Cross and Critical Biomedical Systems.

Page S9208

Cochran (for Talent/Bond) Amendment No. 3646, to express the sense of the Senate that the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from State Homeland Security Directors to reprogram Federal homeland security grant funds to address specific security requirements based on credible threat assessments.

Page S9209

Cochran (for Murkowski) Amendment No. 3644, to encourage the Secretary of Homeland Security to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians into Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

Page S9208

Reid Modified Amendment No. 3653, to provide funds for transportation worker identification credentialing and for tracking trucks carrying hazardous material.

Page S9209

Cochran (for Durbin/Akaka) Amendment No. 3657, to provide for reporting by the Chief Financial Officer and the Chief Information Officer of the Department of Homeland Security.

Page S9209

Cochran (for Domenici) Amendment No. 3658, to make a technical correction.

Page S9209

Cochran (for Talent) Amendment No. 3659, to require the Secretary of Agriculture to deploy disaster

liaisons when requested by a Governor or appropriate State agency in a federally declared disaster area.

Page S9209

Rejected:

Corzine Modified Amendment No. 3619, to appropriate an additional \$70,000,000 to enhance the security of chemical plants and to provide an offset. (By 48 yeas to 47 nays (Vote No. 176), Senate tabled the amendment.)

Pages S9179–81

Dayton Amendment No. 3629, to ensure the continuation of benefits for certain individuals providing security services for Federal buildings. (By 49 yeas to 45 nays (Vote No. 177), Senate tabled the amendment.)

Pages S9181–82

Kennedy Amendment No. 3626, to require the President to provide to Congress a copy of the Scowcroft Commission report on improving the capabilities of the United States intelligence community. (By 49 yeas to 45 nays (Vote No. 180), Senate tabled the amendment.)

Pages S9206–07

Clinton Amendment No. 3631, to require the Secretary of Homeland Security to allocate formula-based grants to State and local governments based on an assessment of threats and vulnerabilities and other factors that the Secretary considers appropriate, in accordance with the recommendation of the 9/11 Commission. (By 54 yeas to 39 nays (Vote No. 183), Senate tabled the amendment.)

Pages S9171–72, S9173–74, S9206, S9208

Withdrawn:

Nelson (FL)/Graham (FL) Amendment No. 3652, to provide supplemental disaster relief assistance for agricultural losses in the State of Florida resulting from Hurricanes Charley and Frances.

Pages S9202–04

During consideration of this measure today, the Senate also took the following action:

By 50 yeas to 45 nays (Vote No. 175), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Mikulski Amendment No. 3624, to increase the amount appropriated for firefighter assistance grants. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S9176–77

By 44 yeas to 50 nays (Vote No. 178), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Clinton/Schumer Amendment No. 3632, to appropriate an additional \$625,000,000 for discretionary grants for high-threat, high-density urban areas. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S9172–73, S9174–76, S9182

By 48 yeas to 47 nays (Vote No. 179), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 501(b) of H. Con. Res. 95, Fiscal Year 2004 Congressional Budget Resolution, with respect to Byrd Amendment No. 3649, to provide funds for the Transportation Security Administration, United States Coast Guard, and the Office of State and Local Government Coordination and Preparedness. Subsequently, the point of order that the amendment would increase spending in excess of levels permitted by H. Con. Res. 95, was sustained, and the amendment thus falls. **Pages S9200–02**

By 43 yeas to 51 nays (Vote No. 181), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 3656, to increase funding for rail and transit security grants. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S9204–05, S9207**

By 44 yeas to 49 nays (Vote No. 182), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 3655, to appropriate an additional \$350,000,000 to improve the security at points of entry into the United States. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S9205–06, S9207–08

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cochran, Stevens, Specter, Domenici, McConnell, Shelby, Gregg, Campbell, Craig, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Kohl, and Murray. **Page S9213**

Honoring Former President William Jefferson Clinton: Senate agreed to S. Res. 425, honoring former President William Jefferson Clinton on the occasion of his 58th birthday. **Pages S9237–39**

Small Business Extension: Senate passed H.R. 5008, to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, clearing the measure for the President. **Pages S9239–40**

Military Construction Appropriations Agreement: A unanimous-consent agreement was reached providing for consideration of S. 2674, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, at 9:45 a.m., on Wednesday, September 15, 2004; that the two managers' amend-

ments at the desk be agreed to and no other amendments be in order; that there be one hour of debate equally divided, and at the conclusion or yielding back of time, the bill be returned to the Senate calendar; provided further; that the Senate then proceed to H.R. 4837, House companion measure, that all after the enacting clause be stricken, the text of S. 2674, as amended, be inserted in lieu thereof, the bill be read a third time and the Senate proceed to a vote at a time to be determined by the Majority Leader in consultation with the Democratic Leader; that upon passage of the bill, the Senate insist upon its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees. **Page S9237**

Haiti Economic Recovery Opportunity Act—Agreement: A unanimous-consent agreement was reached providing that the Senate request the House to return the papers with respect to S. 2261, to expand certain preferential trade treatment for Haiti.

Page S9237

Messages From the House: **Pages S9217–18**

Measures Referred: **Page S9218**

Executive Communications: **Pages S9218–20**

Additional Cosponsors: **Pages S9221–22**

Statements on Introduced Bills/Resolutions: **Pages S9222–31**

Additional Statements: **Pages S9216–17**

Amendments Submitted: **Pages S9231–36**

Authority for Committees to Meet: **Pages S9236–37**

Privilege of the Floor: **Page S9237**

Record Votes: Ten record votes were taken today. (Total—184)

Pages S9177, S9181–82, S9202, S9207–08, S9212

Adjournment: Senate convened at 9:45 a.m., and adjourned at 11:18 p.m., until 9:45 a.m., on Wednesday, September 15, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9240.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: INTERIOR/ AGRICULTURE/TRANSPORTATION AND TREASURY

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill (S. 2804) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005;

An original bill (S. 2803) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005; and

An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, S. 2723, to designate certain land in the State of Oregon as wilderness, and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, after receiving testimony from Senators Reid and Ensign; Representative Gibbons; Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment; Rebecca W. Watson, Assistant Secretary of the Interior for Land and Minerals Management; Mayor Linda Malone, Sandy, Oregon; Jay Ward, Oregon Natural Resources Council, Portland; Jason Spadaro, SDS Lumber Company, Bingen, Washington; Chris DiStefano, International Mountain Bicycling Association, Boulder, Colorado; Michael Newton, Oregon State University Department of Forest Science, Philomath; and John Hiatt, Red Rock Audubon Society, Las Vegas, Nevada, on behalf of the Nevada Wilderness Coalition.

9/11 COMMISSION HUMAN CAPITAL RECOMMENDATIONS

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded a hearing to examine and discuss legislative and administrative options to address human capital recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), focusing on improving the presidential appointments process for national security positions, establishing a single agency that conducts security clearance background investigations for U.S. personnel, and providing some additional personnel flexibilities to the Federal Bureau of Investigation to reflect its increased counterterrorism and intelligence responsibilities, after receiving testimony from Fred Fielding, and Jamie S. Gorelick, both Commissioners, National Commission on Terrorist Attacks Upon the United States; Mark Steven Bullock, As-

sistant Director, Administrative Services Division, Federal Bureau of Investigation, Department of Justice; John A. Turnicky, Special Assistant to the Director of Central Intelligence for Security, Central Intelligence Agency; J. Christopher Mihm, Managing Director of Strategic Issues, Government Accountability Office; Paul C. Light, New York University Robert F. Wagner School of Public Service and the Brookings Institution, C. Morgan Kinghorn, National Academy of Public Administration, and Max Stier, Partnership for Public Service, all of Washington, D.C.; and Doug Wagoner, Information Technology Association of America Security Clearances Task Group, Arlington, Virginia.

GROUP PURCHASING ORGANIZATIONS

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine maintaining innovation and cost savings relating to hospital group purchasing, focusing on maintaining a group purchasing organization industry that helps hospitals realize significant savings on the best products for their patients, after receiving testimony from Robert Betz, Health Industry Group Purchasing Association, Arlington, Virginia; Joe E. Kiani, Masimo Corporation, Irvine, California; and David A. Balto, Robins, Kaplan, Miller and Ciresi LLP, Washington, D.C.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence, after the nominee, who was introduced by Senators Graham (FL) and Nelson (FL), testified and answered questions in his own behalf.

MANDATORY RETIREMENTS

Special Committee on Aging: Committee concluded a hearing to examine mandatory retirement age rules, anti-age-discrimination laws in the private sector, and technology-induced demand and projected worker shortages, after receiving testimony from Abby L. Block, Deputy Associate Director, Center for Employee and Family Support Policy, Office of Personnel Management; Eugene R. Freedman, National Air Traffic Controllers Association, and Jagadeesh Gokhale, Cato Institute, both of Washington, D.C.; Russell B. Rayman, Aerospace Medical Association, Alexandria, Virginia; and Joseph Eichelkraut, Southwest Airlines Pilots' Association, Dallas, Texas.

House of Representatives

Chamber Action

Measures Introduced: 8 public bills, H.R. 5071–5078; and; 9 resolutions, H.J. Res. 103; H. Con. Res. 491–493, and H. Res. 771–775 were introduced. **Page H7138**

Additional Cosponsors: **Page H7138**

Reports Filed: Reports were filed today as follows:

H.R. 2971, to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, amended referred sequentially to the House Committee on the Judiciary for a period ending not later than Oct. 1, 2004 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 108–685, Pt. 1); and

H. Res. 770, providing for consideration of H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005 (H. Rept. 108–686). **Page H7137**

Recess: The House recessed at 9:21 a.m. and reconvened at 10 a.m. **Page H7077**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Good Samaritan Volunteer Firefighter Assistance Act of 2003: H.R. 1787, amended, to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies, by a 2/3 ye-a-and-nay vote of 397 yeas to 3 nays, Roll No. 446; and **Pages H7090–92, H7097**

Volunteer Pilot Organization Protection Act: H.R. 1084, amended, to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations, by a 2/3 ye-a-and-nay vote of 385 yeas to 12 nays, Roll No. 447. **Pages H7092–95, H7098**

Suspension Failed—Nonprofit Athletic Organization Protection Act of 2003: The House failed to agree to suspend the rules and pass H.R. 3369, to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices, by a 2/3 ye-a-and-nay vote of 217 yeas to 176 nays, Roll No. 445. **Pages H7084–90, H7096–97**

Lawsuit Abuse Reduction Act of 2004: The House passed H.R. 4571, to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, by a ye-a-and-nay vote of 229 yeas to 174 nays, Roll No. 450. **Pages H7080–84, H7098–H7120**

Rejected the DeLauro motion to recommit the bill to the Committee on the Judiciary with instruction to report it back to the House forthwith with an amendment, by a recorded vote of 196 yeas to 211 noes, Roll No. 449. **Pages H7118–20**

The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill was adopted. **Page H7099**

Rejected the Turner of Texas amendment in the nature of a substitute printed in H. Rept. 108–684, by a ye-a-and-nay vote of 177 yeas to 226 nays, Roll No. 448. **Pages H7111–18**

H. Res. 766, the rule providing for consideration of the bill was agreed to by a ye-a-and-nay vote of 228 yeas to 165 nays, Roll No. 444. **Page H7096**

Transportation, Treasury, and Independent Agencies Appropriations Act for FY05: The House began consideration of H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005. Further consideration will continue tomorrow, September 15. **Pages H7121–83**

Agreed by unanimous consent to limit further amendments offered and the time for debate on such amendments. **Pages H7183–84**

Agreed to:

Istook amendment that specifies an amount of funds for operations of the Federal Aviation Administration is to be derived from the Airport and Airway Trust Fund; **Pages H7134–36**

Istook amendment that inserts a section regarding funds for the General Services Administration's Federal Buildings Fund; **Page H7149**

Pombo amendment that prohibits the use of funds for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places; **Page H7177**

Oxley amendment (No. 3 printed in the Congressional Record of September 13) that strikes section 216 of the bill regarding the forms of identification accepted by financial institutions (agreed to limit the time for debate on the amendment) (by a recorded vote of 222 yeas to 177 noes, Roll No. 452); and **Pages H7155–65, H7181–82**

Kelly amendment that increases funds for the Financial Crimes Enforcement Network for Salaries and Expenses (agreed to limit time for debate on the amendment) (by a recorded vote of 360 yeas to 37 noes, Roll No. 454). **Pages H7179–81, H7183**

Rejected:

Jefferson amendment that sought to strike section 103 of the bill regarding the Louis Armstrong New Orleans International Airport; and **Pages H7135–36**

DeLauro amendment that sought to prohibit the use of funds to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama (agreed to limit time for debate on the amendment) (by a recorded vote of 189 ayes to 211 noes, Roll No. 453). **Pages H7177–79, H7182–83**

Point of Order sustained against:

page 5 lines 22–26, regarding Payments to Air Carriers; **Page H7133**

page 6 lines 13–14, regarding the Airport and Airway Trust Fund; **Page H7134**

page 11 line 1 through page 12 line 15, regarding Grants-In-Aid for Airports; **Page H7133**

page 14 line 20 through page 15 line 3, regarding administrative expenses for the Federal Highway Administration; **Page H7136**

page 15 lines 4–22, regarding the Highway Trust Fund; **Page H7139**

page 16 line 4, the phrase “notwithstanding any other provision of law,”; **Page H7139**

page 16 lines 13–20, regarding the rescission of funds for the Highway Trust Fund; **Page H7139**

section 123, regarding item number 89 in the Transportation Equity Act for the 21st Century; **Page H71411**

section 125, regarding grants for surface transportation projects; **Page H7141**

section 127, regarding environmental streamlining activities; **Page H7141**

page 24 line 15 through page 25 line 20, regarding administrative expenses for the Federal Motor Carrier Safety Administration; **Pages H71411–42**

page 25 line 21 through page 26 line 19, regarding the National Motor Carrier Safety Program; **Page H7142**

section 143, regarding implementation of certain sections of the Code of Federal Regulations; **Page H7142**

page 27 line 19 through page 28 line 10, regarding Operations and Research for the National Highway Traffic Safety Administration; **Page H7142**

page 28 lines 11–22, regarding Operations and Research for the Highway Trust Fund; **Page H7142**

page 29 lines 1–14, regarding the National Driver Register; **Page H7143**

page 29 line 15 through page 30 line 20, regarding Highway Traffic Safety Grants; **Pages H7143–44**

section 151, regarding the National Highway Traffic Safety Administration; **Page H7144**

page 32 lines 2–6, regarding Safety and Operations of the Federal Railroad Administration; **Page H7144**

page 32 lines 7–10, regarding Railroad Research and Development; **Page H71444**

page 32 line 11 through page 33 line 5, regarding the Railroad Rehabilitation and Improvement Program; **Page H7144**

page 33 lines 6–10, regarding Next Generation High-Speed Rail; **Page H7144**

page 33 line 20 through page 37 line 20, regarding Grants to National Railroad Passenger Corporation; **Pages H7145–47**

section 161, regarding the Federal Railroad Administration; **Pages H7147–48**

section 162, regarding Amtrak's Annual Report and Budget Request; **Page H7148**

page 40 line 13 through page 42 line 15, regarding administrative expenses of the Federal Transit Administration; **Page H7148**

page 42 lines 16–21, regarding Formula Grants; **Page H7148**

page 42 lines 22–26, regarding University Transportation Research; **Page H7148**

page 43 lines 1–16, regarding Transit Planning and Research; **Page H7149**

page 43 line 17 through page 44 line 14, regarding Trust Fund Share of Expenses; **Page H7149**

page 44 line 15 through page 47 line 19, regarding Capital Investment Grants; **Page H7149**

page 47 line 20 through page 48 line 3, regarding Job Access and Reverse Commute Grants; **Page H7149**

section 174, regarding the San Francisco Muni Third Street Light Rail Transit project; **Page H7150**

section 177, regarding the Oklahoma Transit Association; **Page H7150**

page 56 lines 6–20, regarding the Surface Transportation Board; **Page H7151**

section 505, regarding the city of Norman, Oklahoma; **Page H7175**

section 636, regarding products or services offered by Federal Prison Industries, Inc.; **Page H7174**

page 85 lines 10–19, regarding a proviso relating to High Intensity Drug Trafficking Areas Programs; **Page H7176**

section 642, regarding section 3716 of title 31, United States Code; **Page H7176**

section 643, regarding the Social Security Act; **Page H7176**

section 644, regarding section 6402 of the Internal Revenue Code of 1986; **Page H7176**

section 407, regarding the Middle River Depot at Middle River, Maryland; **Page H7176**

section 408, regarding section 572 of title 40, United States Code; **Page H7176**

section 409, regarding the General Services Administration's Federal Buildings Fund; **Page H7176**

section 410, regarding Land Conveyance in Nahant, Massachusetts; **Page H7176**

section 509, regarding the Buy America Act; **Pages H7176–77**

section 510, regarding the purchase of American-made equipment and products; **Page H7177**

section 511, regarding products not made in America that are labeled as American-made; **Page H7177**

section 628, regarding the Office of Personnel Management; **Page H71177**

section 637, regarding government charge cards; **Page H7177**

section 640, regarding reports due to Congress; and **Page H7177**

section 646, regarding the Limitation on Conversion to Contractor Performance. **Page H7177**

H. Res. 770, the rule providing for consideration of the bill was agreed to by a voice vote, after agreeing to order the previous question by a yea-and-nay vote of 235 yeas to 170 nays, Roll No. 451.

Pages H7125–26

Amendments: Amendments ordered printed pursuant to the rule appear on page H7138.

Quorum Calls—Votes: Seven yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H7096, H7096–97, H7097–98, H7098, H7118, H7119, H71120, H7125, H7181–82, H7182–83 and H7183. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:44 p.m.

Committee Meetings

ISSUANCE OF SUBPOENAS—E-RATE PROGRAM INVESTIGATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations approved a motion authorizing the issuance of a subpoena ad testificandum to each of the following individuals: Judy Green; Emma Epps; Douglas Benit; Quentin R. Lawson; and Carl Muscari, in connection with its investigation of the E-Rate Program.

RATINGS GAME: IMPROVING TRANSPARENCY AND COMPETITION AMONG CREDIT UNION AGENCIES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “The Ratings Game: Improving Transparency and Competition Among the Credit Rating Agencies.” Testimony was heard from public witnesses.

HOMELAND SECURITY: MONITORING NUCLEAR POWER PLANT SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled “Homeland Security: Monitoring Nuclear Power Plant Security.” Testimony was heard from Luis A. Reyes, Executive Director, Operations, NRC; Jim Wells,

Director, Natural Resources and Environment, GAO; and public witnesses.

OVERSIGHT—LESSONS LEARNED FROM 2004 OVERSEAS CENSUS TEST

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing entitled “Lessons Learned from the 2004 Overseas Census Test.” Testimony was heard from Charles Louis Kincannon, Director, Bureau of the Census, Department of Commerce; Patricia Dalton, Director, Strategic Issues, GAO; and public witnesses.

AFRICA—MALARIA AND TUBERCULOSIS

Committee on International Relations: Subcommittee on Africa held a hearing on Malaria and Tuberculosis in Africa. Testimony was heard from E. Anne Peterson, Assistant Administrator, Bureau for Global Health, AID, Department of State; and public witnesses.

U.S.-EUROPEAN COOPERATION ON COUNTERTERRORISM

Committee on International Relations: Subcommittee on Europe and the Subcommittee on International Terrorism, Nonproliferation and Human Rights held a joint hearing on U.S.-European Cooperation on Counterterrorism: Achievements and Challenges. Testimony was heard from William T. Pope, Principal Deputy Coordinator, Counterterrorism, Department of State; S. Stewart Verdery, Jr., Assistant Secretary, Policy and Planning, Department of Homeland Security; Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and Gijs De Vries, Counter-terrorism Coordinator, European Union.

OVERSIGHT—DUE PROCESS AND THE NCAA

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on Due Process and the NCAA. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; PRIVATE RELIEF MEASURES

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims approved for full Committee action the following bills: H.R. 775, Security and Fairness Enhancement for America Act of 2003; and H.R. 4306, amended, To amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

The Subcommittee also approved private relief measures.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 305, Kate Mullany National Historic Site; H.R. 2237, 225th Anniversary

of the American Revolution Commemoration Act; H.R. 3258, Hibben Center Act; H.R. 4285, To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; H.R. 4667, Tapoco Project Licensing Act of 2004; H.R. 4683, Gullah/Geechee Cultural Heritage Act; H.R. 4808, To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; H.R. 4817, To facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; and H.R. 4887, Cumberland Island Wilderness Boundary Adjustment Act of 2003. Testimony was heard from Representatives McNulty, Hinchey, Wilson of New Mexico, Clyburn and Kingston; the following officials of the Department of the Interior: Sue Masica, Associate Director, Park Planning, Facilities, and Lands, National Park Service; and Tom Lonnie, Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management; and public witnesses.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

HOMELAND SECURITY: 9/11 COMMISSION AND THE COURSE AHEAD

Select Committee on Homeland Security: Held a hearing entitled "Homeland Security: The 9/11 Commission and the Course Ahead." Testimony was heard from Tom Ridge, Secretary of Homeland Security.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 15, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the

Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, proposed legislation making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, 10:30 a.m., SH-216.

Committee on Commerce, Science, and Transportation: to hold hearings to examine impacts of climate change, 10 a.m., SR-253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD-366.

Committee on Finance: business meeting to consider a substitute to S. 333, to promote elder justice, and the nomination of J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury, 10 a.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine accelerating U.S. assistance to Iraq, 9:30 a.m., SD-419.

Committee on Indian Affairs: business meeting to consider pending calendar business, 10 a.m., SR-485.

House

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Financial Services Issues: A Consumer's Perspective," 10 a.m., 2128 Rayburn.

Committee on Government Reform, to mark up the following measures: H.R. 480, To redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex;" H.R. 4046, To designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the "Sergeant Riayan A. Tejada Post Office;" H.R. 4807, To designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building;" H.R. 4847, To designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building;" H.R. 4968, To designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office;" H.R. 5027, To designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office;" H.R. 5039, To designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office;" H. Con. Res. 461, Expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month; H. Con. Res. 464, Honoring the 10 communities selected to receive the 2004 All-America City Award; H. Res. 755, Supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; H. Res. 761, Congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; H. Con. Res. 489, Supporting the goals and ideals of National Preparedness Month; and

H. Res. 641, Supporting the goals and ideals of Pancreatic Cancer Awareness Month; and to hold a hearing entitled "Making Network Work: An Examination of GSA's Continuing Efforts to Create a Modern, Flexible and Affordable Government Wide Telecommunications Program; and to consider a consulting contract, 10 a.m., 2154 Rayburn.

Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "The Evolving Role of the Federal Chief Financial Officer," 1 p.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "Conquering Obesity: the U.S. Approach to Combating this National Health Crisis," 2 p.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2028, Pledge Protection Act of 2003; and H.R. 4341, Postal Accountability and Enhancement Act, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, to consider a motion to authorize the issuance of a subpoena to Custodian of Records, United States Commission on Civil Rights, 12 noon, 2141 Rayburn.

Committee on Resources, to mark up the following measures: H. Res. 556, Congratulating the United States Geological Survey on its 125th Anniversary; H.R. 2941, Colorado River Indian Reservation Boundary Correction Act; H.R. 3207, Manhattan Project National Historical Park Study Act of 2003; H.R. 3210, Little Butte/Bear Creek Subbasins Water Feasibility Act; H.R. 3258, Hibben Center Act; H.R. 3982, To direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah; H.R. 4066, Chickasaw National Recreation Area Land Exchange Act of 2004; H.R. 4282, Native Hawaiian Government Reorganization Act of 2004; H.R. 4258, To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; H.R. 4389, To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; H.R. 4469, Angel Island Immigration Station Restoration and Preservation Act; H.R. 4579, Truman Farm Home Expansion Act; H.R. 4588, Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2004; H.R. 4596, To amend Public

Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; H.R. 4667, Tapoco Project Licensing Act of 2004; H.R. 4775, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project; H.R. 4806, Pine Springs Land Exchange Act; H.R. 4808, To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; H.R. 4817, to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; H.R. 4838, Healthy Forests Youth Conservation Corps Act of 2004; H.R. 4893, To authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; H.R. 4984, Potash Royalty Reduction Act of 2004; H.R. 5009, Montana Water Contracts Extension Act of 2004; S. 434, Idaho Panhandle National Forest Improvement Act of 2003; S. 551, Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2003; and S. 1814, To transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to mark up a measure to Further Protect the U.S. Aviation System from Terrorist Attacks, 10 a.m., 2167 Rayburn.

Select Committee on Homeland Security, hearing entitled "Combating Terrorism: The Role of Broadcast Media," 10:30 a.m., 2318 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine how the U.S. can best utilize the Organization for Security and Cooperation in Europe to advance its political, security and humanitarian interests, 10 a.m., 334 CHOB.

Next Meeting of the SENATE

9:45 a.m., Wednesday, September 15

Senate Chamber

Program for Wednesday: Senate will begin consideration of S. 2674, Military Construction Appropriations, pursuant to the order of September 14, 2004.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 15

House Chamber

Program for Wednesday: Continue consideration of H.R. 5025—Transportation, Treasury, and Independent Agencies Appropriations Act for Fiscal Year 2005.

Consideration of Suspension:

H. Res. 771—Expressing the thanks of the House of Representatives and the Nation for the contributions to freedom made by American POW/MIAs on National POW/MIA Recognition Day.



Congressional Record

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